

109TH CONGRESS
1ST SESSION

H. R. 2046

To amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2005

Mr. BUYER (for himself, Mr. EVANS, Mr. BOOZMAN, and Ms. HERSETH) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Servicemembers’
5 Health Insurance Protection Act of 2005”.

1 **SEC. 2. LIMITATION ON PREMIUM INCREASES FOR EM-**
2 **PLOYER-PROVIDED REINSTATED HEALTH IN-**
3 **SURANCE OF SERVICEMEMBERS RELEASED**
4 **FROM ACTIVE MILITARY SERVICE.**

5 (a) PREMIUM PROTECTION.—Section 704 of the
6 Servicemembers Civil Relief Act (50 U.S.C. App. 594) is
7 amended by adding at the end the following new sub-
8 section:

9 “(e) LIMITATION ON PREMIUM INCREASES.—

10 “(1) PREMIUM PROTECTION.—The amount of
11 the premium for health insurance coverage that was
12 terminated by a servicemember and required to be
13 reinstated under this section may not be increased,
14 for the balance of the period for which coverage
15 would have been continued had the coverage not
16 been terminated, to an amount greater than the
17 amount chargeable for such coverage before the ter-
18 mination.

19 “(2) INCREASES OF GENERAL APPLICABILITY
20 NOT PRECLUDED.—Paragraph (1) does not prevent
21 an increase in premium to the extent of any general
22 increase in the premiums charged by the carrier of
23 the health care insurance for the same health insur-
24 ance coverage for persons similarly covered by such
25 insurance during the period between the termination
26 and the reinstatement.”.

1 (b) TECHNICAL AMENDMENT.—Subsection (b)(3) of
 2 such section is amended by striking “if the” and inserting
 3 “in a case in which the”.

4 **SEC. 3. PRESERVATION OF EMPLOYER-SPONSORED**
 5 **HEALTH PLAN COVERAGE FOR CERTAIN RE-**
 6 **SERVE-COMPONENT MEMBERS WHO AC-**
 7 **QUIRE TRICARE ELIGIBILITY.**

8 (a) CONTINUATION OF COVERAGE.—Subsection
 9 (a)(1) of section 4317 of title 38, United States Code, is
 10 amended by inserting after “by reason of service in the
 11 uniformed services,” the following: “or such person be-
 12 comes eligible for medical and dental care under chapter
 13 55 of title 10 by reason of subsection (d) of section 1074
 14 of that title,”.

15 (b) REINSTATEMENT OF COVERAGE.—Subsection (b)
 16 of such section is amended—

17 (1) in paragraph (1)—

18 (A) by inserting after “by reason of service
 19 in the uniformed services,” the following: “or by
 20 reason of the person’s having become eligible
 21 for medical and dental care under chapter 55 of
 22 title 10 by reason of subsection (d) of section
 23 1074 of that title,”; and

24 (B) by inserting “or eligibility” before the
 25 period at the end of the first sentence; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(3) In the case of a person whose coverage under
4 a health plan is terminated by reason of the person having
5 become eligible for medical and dental care under chapter
6 55 of title 10 by reason of subsection (d) of section 1074
7 of that title but who subsequently does not commence a
8 period of active duty under the order to active duty that
9 established such eligibility because the order is canceled
10 before such active duty commences, the provisions of para-
11 graph (1) relating to any exclusion or waiting period in
12 connection with the reinstatement of coverage under a
13 health plan shall apply to such person’s continued employ-
14 ment, upon the termination of such eligibility for medical
15 and dental care under chapter 55 of title 10 that is inci-
16 dent to the cancellation of such order, in the same manner
17 as if the person had become reemployed upon such termi-
18 nation of eligibility.”.

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